

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES**

**November 22, 2004**

**MEMBERS PRESENT:** Emery Zahner, Lori Spielman, Mort Heidari, Cliff Aucter, Robert Hoffman (left 9:08pm), and Alternates James Prichard (arrived 7:40), Arlo Hoffman, and Ronald Small

**MEMBERS ABSENT:** Geri Kupecky

**STAFF PRESENT:** Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

**I. CALL TO ORDER**

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:00 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

1. #Z200436 – Dzen Brothers, Inc. for site plan approval and special permit for construction of green houses with associated gravel parking areas, second curb cut and drainage facilities in conjunction with an existing retail facility on property located at 187 Windsorville Road & 8 Pinney Street, APN 009-041-0000, 009-042-0000, in a PC Zone.

**TIME:** 7:05

**SEATED:** C. Aucter, L. Spielman, B. Hoffman, E. Zahner, M. Heidari, R. Small

Peter Demali, Design Professionals, came forward for the applicant. He explained the project in great detail. There will be a curb cut off of Windsorville Road, there will be 42 parking spaces and the use is closed during winter.

Cliff Aucter asked if there will be any new lighting or bathrooms on the site.

Peter Demali said there would not be and that there is an existing bathroom in the market.

Several members of the public gave their opinion on the project.

Chairman Zahner read Jim Thompson's letter dated, 11/22/04.

**MOVED (SPIELMAN), SECONDED (SMALL) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200436 – DZEN BROTHERS, INC.**

**MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CONTINUE TO DECEMBER 1, 2004 SPECIAL MEETING FOR #S200436 – DZEN BROTHERS, INC.**

2. #Z200437 – Great Country Garages for a zone change from RA/Rural Agricultural & PC/Planned Commercial to PC/Planned Commercial on property located at 210 West Road, APN 037-002-0000.

**TIME:** 7:43

**SEATED:** M. Heidari, J. Prichard, C. Aucter, E. Zahner, L. Spielman, A. Hoffman

Tim Coon, J.R. Russo & Associates came forward for the applicant. He reviewed the plan with the commission and explained why they wanted a zone change.

Chairman Zahner read Jim Thompson's letter dated, 11/22/04.

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200437 – GREAT COUNTRY GARAGES ZONE CHANGE.**

**MOVED (AUCTER), SECONDED (A. HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200437 – GREAT COUNTRY GARAGES ZONE CHANGE.**

**EFFECTIVE DATE IS DECEMBER 31, 2004.**

3. #S200412 – Jolyn II, LLC for a 19 lot re-subdivision on property located at Ellsworth Lane & Benjamin Drive, APN 118-004-0000, 101-005-0000, in an RA Zone.

**TIME:** 7:50

**SEATED:** M. Heidari, J. Prichard, B. Hoffman, L. Spielman, E. Zahner, C. Aucter

Russ Heintz, Tarbell & Heintz, came forward and reviewed the revised plan with the commission. He explained that lots 5 & 6, 12 & 13 need additional testing making this a 19 lot subdivision.

The commissioner's questions the appraisal amounts and came up with a fair amount for the subdivision.

Chairman Zahner read Jim Thompson's letters dated 6/14/04 & 11/22/04.

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #S200412 – JOLYN II, LLC.**

**MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #S200412 – JOLYN II, LLC.**

**CONDITION: FEE-IN-LIEU TO BE SET AT \$42,000.**

4. #Z200438 – Nikal Holdings, LLC for site plan modification for construction of a 20'x38' addition with associated gravel parking areas and drainage facilities on property located at 25 Pinney Street, APN 009-047-0000, in an I Zone.

**TIME:** 8:45

**SEATED:** E. Zahner, C. Aucter, L. Spielman, B. Hoffman, M. Heidari, R. Small

Peter Demali, Design Professionals, came forward for the applicant. He explained they will be adding four parking spaces, office space and conference room. They will bring the sewer line to the site.

Chairman Zahner read Jim Thompson's letter dated 11/22/04.

**MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200438 – NIKAL HOLDINGS, LLC.**

**MOVED (AUCTER), SECONDED (SMALL) AND PASSED UNANIMOUSLY TO APPROVE #Z200438 – NIKAL HOLDINGS, LLC.**

5. #Z200439 – Bestech, Inc. for site plan approval for construction of a 78'x90' building with associated gravel parking areas, curb cut and drainage facilities on property located at 8 Nutmeg Drive, APN 017-022-0004, in an I Zone.

**TIME:** 8:50

**SEATED:** E. Zahner, C. Aucter, L. Spielman, B. Hoffman, M. Heidari, R. Small

Galen Semprebon, Design Professionals, came forward to explain that the project is to provide space for maintenance vehicles.

Chairman Zahner read Jim Thompson's letter dated, 11/22/04.

Galen explained the water would drain into the existing wetlands on site. They will be putting in a small basin for drainage.

**MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CONTINUE TO THE DECEMBER 1, 2004 SPECIAL MEETING FOR #Z200439 – BESTECH, INC.**

6. Z200441—Antonio Sabatini and Anna Benacquista for a special permit and site plan approval for a unified sign design on property located at 192 Windsorville Road, APN 009-066-0000, in a C Zone.

**TIME:** 9:04

**SEATED:** E. Zahner, C. Aucter, L. Spielman, B. Hoffman, M. Heidari, J. Prichard

**MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200441 – ANTONIO SABATINI.**

**MOVED (AUCTER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200441 – ANTONIO SABATINI.**

**CONDITION: ALL SIGNS MUST BE UNIFORM**

7. #Z200444 – Rya Corporation for the Kupferschmid Family Trust for a special permit for an earth excavation permit on property located at 156 West Road, APN 046-002-000, in a PC & RA Zone.

**FAILURE TO DO NOTICE REQUIREMENTS, PUBLIC HEARING TO COMMENCE DECEMBER 27, 2004.**

8. #Z200431 – Dover Corp. for a zone change to MF/Mutli-Family on property located at 35 Windermere Ave, APN 011-013-0000 in an IP Zone.

**PER APPLICANTS REQUEST THE PUBLIC HEARING IS CONTINUED TO THE DECEMBER 27, 2004 REGULAR MEETING.**

9. #S200410 – Christopher E. & DeAnn C. Yanoros for a 7-lot subdivision on property located at 27 Ladd Road, APN 131-001-0000 in a RA Zone.

**TIME:** 9:04

**SEATED:** E. Zahner, C. Aucter, L. Spielman, B. Hoffman, M. Heidari, J. Prichard

Attorney Peter Evans, came forward for the applicant and explained that 6 new houses on Ladd Road would not cause any more problems to the road. He also stated that they would give a \$1000.00 per lot voluntary sidewalk contribution to the town.

Chairman Zahner read Jim Thompson's letter dated 11/22/04.

Brian Mills, 18 Ladd Road, explained his concerns for Ladd Road and what impacts 6 new houses would have on Ladd Road.

**MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #S200410 – CHRISTOPHER E. & DEANN C. YANAROS.**

**MOVED (HEIDARI), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #S200410 – CHRISTOPHER E. & DEANN C. YANOROS.**

**CONDITION: \$7000.00 VOLUNTARY SIDEWALK CONTRIBUTION TO BE GIVEN TO THE TOWN.**

**IV. UNFINISHED BUSINESS**

10. #S200407—Gingras Development, LLC for a 20-lot subdivision on properties located at Crane Road, APN 060-002-0000 & 060-004-0000 in an A-Zone.

**MOVED (A. HOFFMAN), SECONDED (L. SPIELMAN) AND PASSED UNANIMOUSLY (E. ZAHNER – ABSTAINED) TO APPROVE WITH CONDITIONS #S200407 – GINGRAS DEVELOPMENT, LLC.**

**CONDITION: CONDITIONAL UPON APPLICANT PROVIDING EASEMENTS OVER ABUTTING PROPERTY WITHIN 90 DAYS OF EXPIRATION OF THE APPEAL PERIOD.**

**VI. NEW BUSINESS**

1. #Z200435 – Cathy Picard for a 30' x 38' 3 door detached garage on property located at 65 Sandy Beach Road, APN 151-005-0001 in an RA Zone. (RECEIPT ONLY)

**BY CONSENSUS, THE COMMISSION NOTED RECEIPT OF THE FOLLOWING APPLICATION AND SET THE PUBLIC HEARING FOR THE DECEMBER 27, 2004 REGULAR MEETING.**

2. CGS 8-24 Review: Purchase of Porter Road property (Palmer) APN 144-008-0001.

**MOVED (AUCTIONER), SECONDED (HEIDARI), AND PASSED UNANIMOUSLY TO APPROVE CGS – 8-24 REVIEW: PURCHASE OF PORTER ROAD PROPERTY (PALMER) APN 144-008-0001.**

3. Santini Builders, LLC request for a bond reduction for Gasek Farms II (#S200102).

**THE COMMISSION TABLED THIS ITEM TO THE DECEMBER 27, 2004 REGULAR MEETING.**

4. Santini Builders, LLC request for a bond reduction for Woodland Trail (#S2002).

**MOVED (HEIDARI), SECONDED (AUCTIONER), AND PASSED UNANIMOUSLY TO APPROVE REQUEST FOR BOND REDUCTION FOR WOODLAND TRAIL (#S2002) FROM \$43K TO \$28K IN ACCORDANCE WITH JIM THOMPSON'S MEMO DATED NOVEMBER 22, 2004.**

#### **V. ADMINISTRATIVE BUSINESS:**

1. Discussion re: Premature lot offers/sales.

**BY CONSENSUS OF THE COMMISSION DIRECTED THE TOWN PLANNER TO DRAFT A LETTER FOR THEIR REVIEW.**

2. Discussion re: Plan of Conservation & Development and Regulation Amendments.

**THIS ITEM WAS TABLED TO THE DECEMBER 1, 2004 SPECIAL MEETING.**

3. Approval of Meeting Minutes:
  - a. October 25, 2004 meeting minutes.

**MOVED (AUCTIONER), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE THE OCTOBER 25, 2004 MEETING MINUTES WITH CHANGES TO ITEM #3 TO EXCLUDE A. HOFFMAN SEATED.**

4. Correspondence:
  - a. Letter to Attorney Bruce Fader from Reanna Goodreau dated October 29, 2004.
  - b. Letter from Theresa & Kevin Yeltema to the Zoning Department.
  - c. Letter to Linda Farmer from Matt Davis, dated November 1, 2004.
  - d. Letter to Planning & Zoning Commission from Matt Davis, dated October 29, 2004
  - e. Memo to Board of Selectman and Board of Finance from the Conservation Commission dated, November 3, 2004.
  - f. Memo to Land Use Boards & Design Review Board, dated November 4, 2004.
  - g. Ellington Zoning Board of Appeals Meeting Minutes pages 3 of 3, November 1, 2004.
  - h. Memo to Planning & Zoning Commission from Matt Davis, dated November 16, 2004.
  - i. Letter to Ben Moser from Richard Kalva, dated November 17, 2004.

**VII. ADJOURNMENT:**

**MOVED (HEIDARI) SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO  
ADJOURN THE MEETING AT 10:30 PM.**

Respectfully Submitted,

Kristin C. Michaud  
Recording Secretary